

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PATRICK BEAUCHAMP,

Defendant.

CR 15-02-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Patrick Beauchamp (Beauchamp) has been accused of violating the conditions of his supervised release. Beauchamp admitted the alleged violations. Beauchamp's supervised release should be revoked. Beauchamp should be placed in custody for 6 months, with 6 months of supervised release to follow. Beauchamp should spend his 6-month term of supervised release at a Residential Re-Entry Center.

II. Status

Beauchamp pleaded guilty to Robbery on April 20, 2015. (Doc. 96). The Court sentenced Beauchamp to 34 months of custody, followed by 2 years of supervised release. (Doc. 124). Beauchamp's current term of supervised release

began on August 1, 2018. (Doc. 181 at 2).

Petition

The United States Probation Office filed a Petition on January 14, 2019, requesting that the Court revoke Beauchamp's supervised release. (Doc. 181). The Petition alleges that Beauchamp violated the conditions of his supervised release: 1) by interacting with a person convicted of a felony without first obtaining the permission of his probation officer; 2) by failing to report for substance abuse testing; 3) by failing to report for substance abuse treatment; 4) by failing to maintain full-time employment; and 5) by using controlled substances. (Doc. 181 at 2-3). United States District Judge Brian Morris issued a warrant for Beauchamp's arrest. (Doc. 182).

Initial appearance

Beauchamp appeared before the undersigned for his initial appearance on January 29, 2019. Beauchamp was represented by counsel. Beauchamp stated that he had read the petition and that he understood the allegations. Beauchamp waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on January 29, 2019.

Beauchamp admitted that he had violated the conditions of his supervised release:

1) by interacting with a person convicted of a felony without first obtaining the permission of his probation officer; 2) by failing to report for substance abuse testing; 3) by failing to report for substance abuse treatment; 4) by failing to maintain full-time employment; and 5) by using controlled substances. The violations are serious and warrant revocation of Beauchamp's supervised release.

Beauchamp's violations are Grade C violations. Beauchamp's criminal history category is I. Beauchamp's underlying offense is a Class C felony. Beauchamp could be incarcerated for up to 24 months. He could be ordered to remain on supervised release for up to 20 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

Beauchamp's supervised release should be revoked. Beauchamp should be incarcerated for 6 months, with 6 months of supervised release to follow.

Beauchamp should spend his 6-month term of supervised release at a Residential Re-Entry Center. The supervised release conditions imposed previously should be continued. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Beauchamp that the above sentence would be recommended to Judge Morris. The Court also informed Beauchamp of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Beauchamp that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Beauchamp stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before a district court judge.

The Court FINDS:

That Patrick Beauchamp violated the conditions of his supervised release by interacting with a person convicted of a felony without first obtaining the permission of his probation officer, by failing to report for substance abuse testing, by failing to report for substance abuse treatment, by failing to maintain full-time employment, and by using controlled substances.

The Court RECOMMENDS:

That the District Court revoke Beauchamp's supervised release and commit Beauchamp to the custody of the United States Bureau of Prisons for a term of imprisonment of 6 months, with 6 months of supervised release to follow. Beauchamp should spend his 6-month term of supervised release at a Residential Re-Entry Center.

NOTICE OF RIGHT TO OBJECT TO FINDINGS AND RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT

The parties may serve and file written objections to the Findings and

Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 30th day of January, 2019.



John Johnston
United States Magistrate Judge